UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,609	07/28/2006	Satoshi Kondo	128875	9512

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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
RAHIM, MONJUR

ART UNIT	PAPER NUMBER
2434	

NOTIFICATION DATE	DELIVERY MODE
04/16/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction25944@oliff.com
jarmstrong@oliff.com

	Application No.	Applicant(s)
Office Action Summary	10/587,609	KONDO ET AL.
	Examiner	Art Unit	
	MONJOUR RAHIM	2434	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 March 2010*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *7, 15, 19-22* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *7, 15, 19-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All   b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   Applicant's request for reconsideration of the finality of the rejection of the last Office action which was mailed on 13 July 2009 is persuasive (Examiner overlooked the 371 date and used the PCT publication date) and, therefore, <u>the finality of that action is withdrawn.</u>

2.   This action is responsive to: an original application filed on **28 July 2006**.

3.   **Claims 7, 15, 19-22** are currently pending and **claim 7, 15** and **22** are independent claims.

4.   **Claims 7, 15, 19-22** remain **rejected.**

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims **7, 15, 19-21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Grecsek Mathew (US Patent No. 6088801), hereinafter Grecsek and in view of Matsubara et al. (US Patent No. 7123914), hereinafter Matsubara.

In regard to *claim 7*, Grecsek discloses:

        - registering means for registering information on-on whether a function of a program provided via a network is permitted to be used (Grecsek, col 4, lines 14-19);

        - first receiving means for receiving, before receiving a program, function information indicating a function used in the program (Grecsek, col 3, lines 35-38, "A policy contains a list of potential capabilities that process 110 may possess and authorizations indicating which

capabilities are acceptable. FIG. 4 illustrates a possible data structure for a policy 200 to store a capabilities list 210 and a corresponding authorizations list 220");

      - determining means for determining whether to receive a program, by comparing function information received by the first receiving means and information registered by the registering means (Grecsek, Abstract);

      - second receiving means for receiving a program if the determining means determines to receive the program (Grecsek, col 2, lines 40-47, "This invention is directed to managing the risk of executing software processes. It is an object of the invention to provide a method for determining the capabilities of a software process before it executes. It is another object of the invention to provide a method for managing access to the resources of a computer using a capabilities-based policy. Further objects and advantages will become apparent from consideration of the ensuing description");

      - executing means for executing a program received by the second receiving means (Grecsek, col 3, lines 2-16, "A capability is one or more instructions executed by .. itself be a process. Computer 100 may be any programmable device");

      Grecsek does not explicitly teach **networking with relay device,** however in a relevant art Matsubara discloses use of relay device (see Abstract).

      It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Matsubara invention modify Grecsek so that network can be monitor or control remotely, Mainly auto reboot.

In regard to *claim 15*, Grecsek discloses:

      - A program for causing a computer to execute: a first step of receiving, before receiving a program, function information indicating a function used in the program (Grecsek, col 3, lines 2-10), where "sequence is the steps if execution steps, As claimed.

      - a second step of determining, by comparing function information received in the first step and information on whether a function of a received program is permitted to be used, which is pre-registered in memory, whether to receive a program associated with the function information (Grecsek, col 3, lines 10-13, "Prior to execution, process 110 is simply data and

cannot perform any function until executed. Process 110 may be executed directly by the user or indirectly by some other process already executing on computer 100");

- *a third step of receiving a program if it is determined in the second step to receive the program* (Grecsek, col 3, lines 24-27, " An object of the invention is to provide a means for determining the capabilities of process 110 before it executes").

- *a fourth step of executing a program received in the third step* (Grecsek, col 3, lines 2-10, "A capability is one or more instructions executed by a virtual machine 120 on computer 100 to perform a function as might occur in a computer program or interpreted script. If a certain function requires a particular sequence of instructions and process 110 does not contain these instructions then process 110 cannot perform the function. Process 110 is defined by one or more capabilities, each capability being defined by one or more instructions");

Grecsek does not explicitly teach *receiving relay information*, however in a relevant art Matsubara discloses use of relay device (see Abstract and col 2, lines 56-67 and col 3, lines 1-20).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Matsubara invention modify Grecsek so that network can be monitor or control remotely, Mainly auto reboot.

In regard to *claim 19*, claim 7 is incorporated and Grecsek discloses:

- *wherein the determining unit further compares the function information received by the first receipt unit and the information stored by the storing unit, and if a function not permitted to be used is not contained in the function information, permits execution of the program* (Grecsek, Abstract), wherein compare and determine whether execution permission can be granted.

In regard to *claim 20*, claim 7 is incorporated and Grecsek discloses:

- *the storing unit stores information on whether a function of a received program is permitted to be used* (Grecsek, Fig. 4), wherein "policy 200" to store the information.

- *the function information is information on a function contained in a program to be received* (Grecsek, Fig. 1).

In regard to *claim 21*, claim 7 is incorporated and Grecsek discloses:

 - the storing unit stores information on whether a resource of a received program is permitted to be accessed (Grecsek, Fig 4).

 - And the function information is information on a resource accessed in accordance with a program to be received (Grecsek, Abstract).

In regard to *claim 22*, Grecsek discloses:

 - a first step of receiving, before receiving a program via a network, function information indicating a function used in the (Grecsek, col 3, lines 2-10), where "sequence is the steps if execution steps, As claimed.

 - a second step of determining, by comparing function information received in the first step and information on whether a function of a received program is permitted to be used, which is pre-registered in memory, whether to receive the program associated with the function information (Grecsek, col 3, lines 10-13, "Prior to execution, process 110 is simply data and cannot perform any function until executed. Process 110 may be executed directly by the user or indirectly by some other process already executing on computer 100").

 - a third step of receiving the program via the network if it is determined in the second step to receive the program (Grecsek, col 3, lines 24-27, " An object of the invention is to provide a means for determining the capabilities of process 110 before it executes.

 - a fourth step of executing the program received in the third step (Grecsek, col 3, lines 2-10, "A capability is one or more instructions executed by a virtual machine 120 on computer 100 to perform a function as might occur in a computer program or interpreted script. If a certain function requires a particular sequence of instructions and process 110 does not contain these instructions then process 110 cannot perform the function. Process 110 is defined by one or more capabilities, each capability being defined by one or more instructions");

 - a fifth step of canceling reception of the program via the network if it is determined in the second step not to receive the program (Grecsek, col 3, lines 2-10).

Grecsek does not explicitly teach *receiving relay information*, however in a relevant art Matsubara discloses use of relay device (see Abstract and col 2, lines 56-67 and col 3, lines 1-20).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Matsubara invention modify Grecsek so that network can be monitor or control remotely, Mainly auto reboot.

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form "PTO-892 Notice of Reference Cited").

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monjour Rahim whose telephone number is (571)270-3890. The examiner can normally be reached on 5:30 AM -3:30 PM (Mo-Th).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571)272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (in USA or CANADA) or 571-272-1000.

/Monjour Rahim/
Patent Examiner
Art Unit: 2434
Date: 04/01/2010
/Kambiz Zand/

Supervisory Patent Examiner, Art Unit 2434